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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts Southern
District of Texas
FILED

October 15, 2021

Nathan Ochsner, Clerk of Court

UNITED STATES OF AMERICA

v.

LUIS TOVAR,

Defendant.

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§
§

CRIMINAL NO.

(UNDER SEAL)

4:21-cr-504

INFORMATION

THE UNITED STATES CHARGES:

Introduction

At all times material to this Information:

1. The Houston Independent School District (“HISD”) was a public entity providing elementary through high school education for students in Houston, Texas. HISD was governed by a Superintendent and a Board of Education consisting of nine elected Trustees. HISD received directly and indirectly through the Texas Education Agency approximately \$300 million per year in federal program funds and grants from the United States Department of Education and other federal agencies. The administration of HISD included a Chief Operating Officer (COO) who managed various departments within HISD, including Construction Services and Facilities Services. Within Facilities Services was the Facilities Maintenance and Operations group.

2. BUSINESSMAN 1, operating as COMPANY 1 and COMPANY 2, obtained contracts and purchase orders from HISD to provide grounds maintenance, landscaping, construction, and repair services to HISD properties.

3. LUIS TOVAR (“TOVAR”) worked within the HISD Facilities Maintenance and Operations Group and was the HISD Area Manager for Maintenance (North).

COUNT ONE

(18 U.S.C. § 371 – Conspiracy)

4. Beginning in or around 2011 and continuing through in or around 2020, in the Southern District of Texas and elsewhere, the Defendant,

LUIS TOVAR,

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly conspire, confederate, and agree with others known and unknown to the United States, including BUSINESSMAN 1, to commit offenses against the United States, that is:

- a. to corruptly give, offer, and agree to give anything of value to any person, with intent to influence and reward an agent of an organization and local government that receives more than \$10,000 in federal assistance in any one-year period, in connection with any business, transaction, and series of transactions of such organization and local government involving anything of value of \$5,000 or more, in violation of Title 18, United States Code, Section 666(a)(2);
- b. being an agent of an organization and local government that receives, in any one-year period, benefits in excess of \$10,000 under a federal assistance program, did corruptly solicit and demand for the benefit of any person, and accept and agree to accept, anything of value from any person, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions of such organization and local government involving anything of value of \$5,000 or more, in violation of Title 18, United States Code, Section 666(a)(1)(B).

Manner and Means of the Conspiracy

It was part of the conspiracy that:

5. BUSINESSMAN 1, through COMPANY 1 and COMPANY 2, obtained purchase orders for construction, repair, landscaping, and maintenance jobs at HISD schools and other HISD properties. BUSINESSMAN 1 obtained these jobs by paying cash bribes or kickbacks to HISD personnel, including TOVAR and others, who assisted him in obtaining or retaining business with HISD.

6. Specifically, in return for bribe payments from BUSINESSMAN 1, TOVAR helped award, or refrained from interfering in the award of, HISD jobs to BUSINESSMAN 1, despite misgivings TOVAR had about the excessive award of jobs to BUSINESSMAN 1, who charged comparatively high prices.

7. In 2017, BUSINESSMAN 1 maintained a bribe ledger in which he tracked the bribe payments he made in exchange for assistance with securing particular purchase orders. In the ledger, BUSINESSMAN 1 typically listed the HISD schools where his companies COMPANY 1 and COMPANY 2 did construction, repair, grounds maintenance, or landscaping work; the type of work; the amount of the invoice paid by HISD for the work; the amount of the bribe that he paid; the identity of the bribe recipient (identified by initials or first name); the date the bribe was paid; and, at times, the location at which the bribe was paid, such as at local restaurants or schools or while on trips to Las Vegas with the bribe recipients.

8. In the bribe ledger, BUSINESSMAN 1 tracked his bribe payments to TOVAR.

Overt Acts of the Conspiracy

In furtherance of the conspiracy and to achieve the objects thereof, at least one of the co-conspirators committed or caused to be committed, in the Southern District of Texas and elsewhere, at least one of the following overt acts, among others:

9. In or about 2017, BUSINESSMAN 1 made a first payment to TOVAR of approximately \$10,000 related to projects at HISD schools.

10. In or about 2017, BUSINESSMAN 1 made a second payment to TOVAR of approximately \$10,000 related to projects at HISD schools.

All in violation of Title 18, United States Code, Section 371.

NOTICE OF FORFEITURE

(18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c))

11. Pursuant to Title 18, United States Code, Section 981(a)(1)(C), through application of Title 28, United States Code, Section 2461(c), the United States gives notice to Defendant,

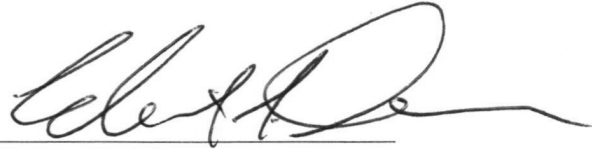
LUIS TOVAR,

that upon conviction of Count One, all property, real or personal, which constitutes or is derived from proceeds traceable to such offense, is subject to forfeiture.

Money Judgment and Substitute Assets

12. The United States gives notice that it will seek a money judgment against the Defendant. In the event that one or more conditions listed in Title 21, United States Code, Section 853(p) exist, the United States will seek to forfeit any other property of the Defendant in substitution.

JENNIFER B. LOWERY
ACTING UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read 'Robert S. Johnson', written over a horizontal line.

Robert S. Johnson
Assistant United States Attorney

AO 455 (Rev. 1/09) Waiver of an Indictment

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Nathan Ochsner, Clerk of Court

WAIVER OF INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title